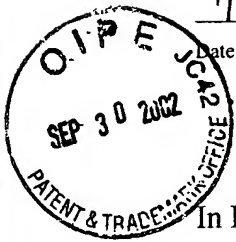


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September 24, 2002
9/24/02 Margaret K. Surridge
Date Name:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

In Re Application of:
Mitchell W. MUTZ et al.

Serial No.: 10/040,926

Group Art Unit: 1623

Filing Date: December 28, 2001

Examiner: R. GITOMER

Title: FOCUSED ACOUSTIC EJECTION
CELL SORTING SYSTEM AND METHOD

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please enter the following amendments to the above-identified patent application prior to examination thereof:

AMENDMENTS

IN THE CLAIMS:

Please cancel claims 10, 11, and 16-66 without prejudice.

Amend claims 1-3, 8, 9, and 12-15 as indicated in Appendix A. The amended claims will then read as follows:

1. A separation method comprising the steps of:

A1 (a) detecting, in a fluid having a surface and containing a plurality of localized volumes having a different acoustic impedance than the fluid, a single localized volume located sufficiently near the surface for ejection;

(b) determining whether the single localized volume possesses one or more properties;